

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TORMASOV *et al.*

Appl. No.: 10/670,093

Filed: September 24, 2003

For: **Method of Implementation of Data
Storage Quota**

Confirmation No.: 6278

Art Unit: 2186

Examiner: TBD

Atty. Docket: 2230.0360000/MBR/GSB

**Declaration of Alexander Tormasov, Stanislav Protassov and Serguei Beloussov
under 37 C.F.R. § 1.131**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, Alexander Tormasov, Stanislav Protassov and Serguei Beloussov,
declare and state that,

1. We are the inventors of the above-captioned application, U.S. Appl. No. 10/670,093,
filed September 24, 2003.

2. Prior to September 3, 2003, the earliest U.S. filing date of Mane et al., U.S. Patent
Application No. 2005/0050107, we, the inventors, had completed our invention in a WTO
country (specifically, one of the inventors, Serguei Beloussov, was, during the relevant time
period, located in the United States and in Singapore), as claimed in the subject application,
evidenced by the following:

3. Exhibit A, submitted together with this declaration, represents a draft of the present
application and the related correspondence between the inventors and their patent attorneys, the
firm of O'Melveny and Myers. Exhibit A confirms that the invention was conceived prior to the
filing date of Mane et al.

4. Exhibit B represents correspondence between the Applicants and their patent
attorneys regarding constructive reduction to practice of the invention, in this case, relating to
forwarding signed forms to the patent attorneys in late August 2003.

5. The inventors and their patent attorneys were diligent in working on constructive
reduction to practice of the invention between September 3, 2003, and the filing date of the
present application, which is September 24, 2003.

6. Specifically, although the formal documents were signed in late August, 2003, a
question remained as to the legal requirement (if any) to file this application in Singapore first.

One of the inventors (Serguei Belousov) has Singapore citizenship (but does not physically reside in Singapore). Singapore has a foreign-filing license law for residents that is somewhat similar to the U.S. foreign filing license requirement.

7. In essence, with the inventors being physically located in the U.S. and Russian Federation, and one of the inventors having Singapore citizenship, and with all three countries having conflicting requirements as to where the application must be filed first, this is a conflict-of-laws issue. Exhibit C, relating to correspondence between the inventors and their patent attorneys, confirms the discussion of the issue of Singapore filing.

8. Thus, the question of what the requirements are, in these circumstances, was the subject of several telephone conversations between Alexander Tormasov (one of the inventors) and the patent attorneys, during the relevant time period. These telephone conversations took place, *inter alia*, in the period between August 28, 2003 and September 24, 2003, when the present application was ultimately filed.

9. It should also be remembered that the time difference between Moscow (where Alexander Tormasov was physically located) and Los Angeles (where the firm of O'Melveny and Myers is located) is 11 hours. As such, it will be appreciated that the logistics of scheduling the telephone calls were somewhat difficult.¹


10. Once it was ultimately decided that the Singapore foreign-filing license law does not apply, the application was filed on September 24, 2003.

11. Therefore, the present invention was conceived prior to the filing date of Mane et al., and the inventors were diligent in working on a constructive reduction to practice of the invention between the filing date of Mane et al. and September 24, 2003, the filing date of the present application.

12. As the persons signing below, we hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issue thereupon.

¹ The firm of O'Melveny and Myers, which is no longer handling the prosecution of this application, has not been cooperative in providing any additional records relating to this matter. Thus, such items as billing records and attorney time entries, which would normally be available to support a Rule 131 Declaration, are, unfortunately, not available to the undersigned.

Sep 15 2006
Date



Alexander Tormasov

Sep 15 2006
Date



Serguei Belousov

Sep 15 2006
Date



Stanislav Protassov